

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WILLIAM J. WINDHAM and)	
GWENDOLYN JOYCE WINDHAM)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 3:05 CV-472-M
)	
B.W. CAPPS & SONS, INC.)	
)	
Defendant.)	

JOINT MOTION TO CONDUCT SCHEDULING
CONFERENCE BY TELEPHONE

Come now the parties by and through their respective attorneys of record and move the Court for permission to conduct the Scheduling Conference in this case by telephone. As grounds for this Motion, said attorneys say as follows:

1. The attorney for the Plaintiff and the attorney for the Defendant are both located in Phenix City, Alabama approximately 160 miles round trip from the Federal Court in Montgomery, Alabama.

2. Said attorneys state that it would be more cost efficient in terms of both travel time and driving expense time for the Scheduling Conference to be conducted by phone.
3. The attorneys for the parties have previously filed in a timely fashion a Rule 26 (f) discovery plan as required by the Court.
4. The attorneys for the parties anticipate no special problems or issues in regard to the scheduling of this case and would expect the Scheduling Conference to last no more than 10 to 15 minutes.
5. Should the Court grant this request, the attorneys have agreed that the attorney for Defendant will be responsible for arranging the telephone call to the Court. Said call shall take place at the time previously scheduled for the Scheduling Conference on August 1, 2005 at 11:00 A.M. Central Time.

WHEREFORE, the attorneys for the parties herein respectfully request that the Court allow the Scheduling Conference in this case to be conducted by telephone on August 1, 2005 at 11:00 A.M. Central Time.

/s/ N. Kirkland Pope

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Attorneys for Plaintiff

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